

REMARKS

Applicant appreciates the Examiner's consideration of the arguments filed in the Appeal Brief and the subsequent withdrawal of the previous rejections of the claims.

Currently claims 1-5, 7-12, 14, 21-28, 30, 37-39 and 42 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent Application Number 2002/0169435 (Neeb et al.). Claims 43 and 44 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent Application Number 2002/0169435 (Neeb et al.). Claim 40 stands rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent Application Number 2002/0169435 (Neeb et al.) in view of U.S. Patent Number 6,142,986 (Lord et al.).

Claims 6, 15, 16, 18, 31, 32, and 34 are objected to as being dependent upon a rejected base claim but are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13, 17, 19-20, 29, 33, 35-36, and 34-43 are presently withdrawn from consideration.

Favorable reconsideration and withdrawal of the rejections is respectfully requested for at least the reasons set forth below.

A. Claim 1

Claim 1 has been rejected under 35 U.S.C. §102 over Neeb et al.. However, a prima facie case of anticipation has not been made since the Office Action does not show where Neeb et al. teaches all elements of claim 1 and the rejection of claim 1 should be withdrawn for at least the reasons below.

1. The Rejection Does Not Establish that Neeb et al. Teaches a Plurality of Elevated Regions

The Office Action does not show where Neeb et al. teaches a web comprising a layer **having a plurality of elevated regions** defining a plurality of cavities such that the cavities are located between adjacent elevated regions with a plurality of functional material members located only in the cavities of the layer wherein the layer is extendable in the longitudinal direction such that the **elevated regions** are moved in a direction towards the longitudinal mid-plane.

As understood by Applicants, the Office Action alleges that Neeb et al. teaches a web having a plurality of hook regions that resiliently snap back and forth and stretch in a longitudinal direction. However, a closer look at the cited portions of Neeb et al. reveals that the structure depicted in Figure 20 is not an extendable web having a plurality of elevated regions, but is instead a plurality of discrete fastener components, each comprising a single hook region, that are not taught to function as a single unit. At ¶0074, Neeb et al. itself states that “some of the resin is forced into blind mold cavities of mold roll 94 to form hook-shaped fastener elements **connected by a planar sheet of the resin** cooled on the surface of the mold roll” (emphasis added). Further in ¶0074, Neeb et al. states that “From take-off roll 98, the molded hook tape is passed between two heated forming rolls 100 and 102 (see also FIG. 20) to form **parallel bands of hook tape** with cross-machine radius of curvature ‘r’” (emphasis added).

Thus, the cited portions of Neeb et al. do not teach the use or movement of multiple concave/convex regions. Instead, **single portions** of hook tape (which can be manufactured as shown in Figures 19 and 20) are used individually and can snap between a concave or convex position. See, for instance, Figures 17 and 18A-18B, which show a single hook tape 60. Additionally, Figures 1-2 and accompanying description describe a single hook component 20 and loop component 22.

Therefore, the Office Action has not shown where Neeb et al. teaches a web comprising a layer having a **plurality of elevated regions** wherein the web is extendable such that elevated **regions** are moved in a direction toward the longitudinal mid-plane.

2. The Office Action Does Not Establish That Neeb et al. Teaches a Web Comprising a Layer Extendable in the Longitudinal Direction Such that Elevated Regions are Moved in a Direction Towards the Longitudinal Mid-Plane

Additionally, the §102 rejection should be withdrawn since it does not establish where Neeb et al. teaches a web wherein functional members are located only in the cavities and wherein the layer is extendable in the longitudinal direction such that the elevated regions are moved in a direction towards the longitudinal mid-plane.

As understood by Applicants, the Office Action states that, since Figure 20 discloses a plurality of hook regions that can move from the shown convex position to

the concave position, Figure 20 defines a web with hooks located only in the cavities. However, following such an interpretation of Neeb et al. (for sake of argument only), then it is not clear from the Office Action where Neeb et al. teaches a layer that is extendable in the longitudinal direction such that the **elevated regions** are moved in a direction towards the longitudinal mid-plane.

If the interpretation of Neeb et al. in the Office Action is followed and the plurality of hook regions are snapped to the concave position to define the hooks in the cavities only, then the elevated regions would be defined by the areas between the hook regions (i.e. the planar sheet of resin). However, the Office Action does not indicate where Neeb et al. teaches movement of the planar sheets of resin relative to the longitudinal mid-plane. Instead, the position of the planar sheets of resin would presumably remain fixed. Furthermore, there is no indication in the Office Action of where Neeb et al. teaches that the planar sheets of resin would be extendable. Thus, even following the Office Action's interpretation of Neeb et al., the Office Action does not show a teaching of all elements of claim 1 and the §102 rejection should be withdrawn.

B. Claims 2-5, 7-12, and 14

For at least the reasons set forth above with respect to Claim 1, the rejections of claims dependent upon claim 1 should also be withdrawn.

C. Claim 21

Claim 21 has been rejected under 35 U.S.C. §102 over Neeb et al. However, a prima facie case of anticipation has not been made since the Office Action does not show where Neeb et al. teaches all elements of claim 21 and the rejection of claim 21 should be withdrawn for at least the reasons below.

The Office Action does not show where Neeb et al. teaches a web comprising a layer **having a plurality of elevated regions** defining a plurality of cavities between two successive elevated regions with a plurality of functional material members located only in the cavities of the layer **wherein the layer has a first orientation and a second orientation** with the elevated regions positioned generally closer to the longitudinal mid-plane when the layer is in the second orientation as opposed to when the layer is in the first orientation.

As understood by Applicants, the Office Action alleges that Neeb et al. teaches a web having a plurality of hook regions that resiliently snap back and forth and stretch in a longitudinal direction. However, a closer look at the cited portions of Neeb et al. reveals that the structure depicted in Figure 20 is not an extendable web having a plurality of elevated regions, but is instead a plurality of discrete fastener components, each comprising a single hook region, that are not taught to function as a single unit. At ¶0074, Neeb et al. itself states that “some of the resin is forced into blind mold cavities of mold roll 94 to form hook-shaped fastener elements **connected by a planar sheet of the resin** cooled on the surface of the mold roll” (emphasis added). Further in ¶0074, Neeb et al. states that “From take-off roll 98, the molded hook tape is passed between two heated forming rolls 100 and 102 (see also FIG. 20) to form **parallel bands of hook tape** with cross-machine radius of curvature ‘r’” (emphasis added).

Thus, the cited portions of Neeb et al. do not teach a web comprising multiple concave/convex regions. Instead, **single portions** of hook tape (which can be manufactured as shown in Figures 19 and 20) are used individually and can snap between a concave or convex position. See, for instance, Figures 17 and 18A-18B, which show a single hook tape 60. Additionally, Figures 1-2 and accompanying description describe a single hook component 20 and loop component 22.

Even assuming, for the sake of argument only, that the multiple hook tape portions could be used as a single web, then the Office Action still fails to identify where Neeb et al. teaches a layer having a second orientation where the elevated regions are positioned generally closer to the longitudinal mid-plane when the layer is in the second orientation as opposed to when the layer is in the first orientation.

If the interpretation of Neeb et al. in the Office Action is followed and the plurality of hook regions are snapped to the concave position so that the hooks are located in the cavities only, then the elevated regions would be defined by the areas between the hook regions (i.e. the planar sheet of resin). However, the Office Action does not indicate where Neeb et al. teaches movement of the planar sheets of resin relative to the longitudinal mid-plane. Instead, the position of the planar sheets of resin would presumably remain fixed. Thus, even following the Office Action’s interpretation of

Neeb et al., the Office Action does not show a teaching of all elements of claim 21 and the §102 rejection should be withdrawn.

D. Claims 22-28 and 30

The rejections of claims dependent on claim 21 should be withdrawn for at least the reasons set forth above with regard to claim 21.

E. Claim 37

Claim 37 has been rejected under 35 U.S.C. §102 over Neeb et al.. However, a prima facie case of anticipation has not been made since the Office Action does not show where Neeb et al. teaches all elements of claim 37 and the rejection of claim 37 therefore should be withdrawn for at least the reasons below.

The Office Action does not show where Neeb et al. teaches a web comprising a layer having a plurality of elevated regions and a plurality of depressed regions located intermediate the elevated regions wherein the elevated regions of the layer define the uppermost portion of the layer, and **wherein the layer is extendable** in the longitudinal direction **such that the elevated regions are moved in a direction towards the longitudinal mid-plane** and wherein after this extension hooks (located only in the cavities of the layer), rather than the elevated regions, define the uppermost portion of the layer, **and wherein the layer is retractable such that the elevated regions are moved in a direction away from the longitudinal mid-plane** such that the elevated regions again define the uppermost portion of the layer.

As was discussed above, it is Applicants' understanding that the Office Action alleges that Neeb et al. teaches a plurality of hooks located only in the cavities of a layer by Neeb et al.'s teaching of a plurality of portions of hook tape joined by regions of planar resin. However, even assuming (for the sake of argument only) that the plurality of individual hook tape portions could be considered a web comprising a layer having a plurality of elevated regions, the Office Action does not point out where Neeb et al. teaches that the plurality of hook tape portions is extendable and retractable such that the elevated regions of the layer define the uppermost portion of the layer prior to extension and the hooks define the uppermost portion after extension.

Also, the Office Action does not indicate where Neeb et al. teaches any movement of the regions of planar resin towards the longitudinal mid-plane, nor is there

an indication of where in Neeb et al. the regions of planar resin are taught to be extendable or retractable. Accordingly, Applicants respectfully request withdrawal of the §102 rejection of Claim 37 for at least the reasons set forth above.

F. Claims 38-40, 42-44

Applicants do not acquiesce to the rejections of claims 38-40 and 42-44, and reserve the right to re-address the subject matter of the cancelled claims. However, claims 38-40 and 42-44 are cancelled at this time to advance prosecution.

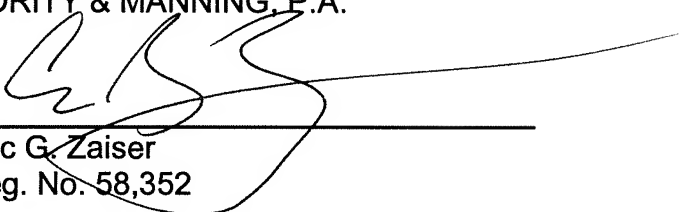
Conclusion

The Applicants respectfully request reconsideration and withdrawal of the rejections for at least the reasons set forth above. Should any issues remain after consideration of this response, however, Examiner Brittain is invited and encouraged to telephone the undersigned at his convenience.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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